

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY)
CORP. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR THE)
CONSTRUCTION OF A HIGH-SPEED FIBER)
NETWORK AND FOR APPROVAL OF THE)
LEASING OF THE NETWORK'S EXCESS)
CAPACITY TO AN AFFILIATE TO BE ENGAGED)
IN THE PROVISION OF BROADBAND SERVICE)
TO UNSERVED AND UNDERSERVED)
HOUSEHOLDS AND BUSINESSES OF THE)
COMMONWEALTH)

CASE NO.
2021-00365

ORDER

On March 18, 2022, Kenergy Corp. (Kenergy) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period or until it is published by the Federal Communications Commission (FCC) for maps provided in the rebuttal testimony of Robert Stumph. On March 21, 2022, Kenergy filed an amended petition to include one additional map that was inadvertently not included in the March 18, 2022 petition.

In support of its petition, Kenergy stated the maps of its service territory are not confidential but argued that the maps are of Kenergy's service territory overlaid onto maps provided by Kentucky Broadband Cable Association (KBCA) in the testimony of Jason Keller. The maps KBCA filed have been granted confidential protection by the Commission. Kenergy stated if the maps with Kenergy's service area overlaid are not given confidential protection, it would defeat the purpose of holding the maps confidential

previously. Kenegy requested the overlaid maps be held confidential for the same duration as KBCA requested.

Having considered the petition and the material at issue, the Commission finds that maps contained in the rebuttal testimony of Robert Stumph is generally recognized as confidential or proprietary; it, therefore, meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

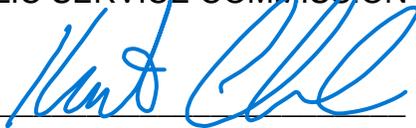
1. Kenegy's petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until it is published by the FCC or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Kenegy shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kenegy shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kenegy is unable

to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Kenergy to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION



Chairman



Vice-Chairman

Commissioner



ATTEST:



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